

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE
KINGREY, and SANDRA McCOLLUM,
individually and as heirs at law to the Estate of
LARRY GENE McCOLLUM,
PLAINTIFFS

v.

BRAD LIVINGSTON, JEFF PRINGLE,
RICHARD CLARK, KAREN TATE,
SANDREA SANDERS, ROBERT EASON, the
UNIVERSITY OF TEXAS MEDICAL
BRANCH and the TEXAS DEPARTMENT OF
CRIMINAL JUSTICE.
DEFENDANTS

CIVIL ACTION NO.
3:12-cv-02037

**PLAINTIFFS' OPPOSED MOTION TO COMPEL DEPOSITION OF BRAD
LIVINGSTON**

Larry McCollum died a tragic, pointless, and preventable death caused by exposure to extreme heat in the Hutchins State Jail, where Texas Department of Criminal Justice executive director Brad Livingston knew prisoners were routinely exposed to heat indexes exceeding 120 degrees. Livingston is sued in his individual capacity for knowingly exposing prisoners to the brutal heat that killed McCollum.

Plaintiffs respectfully ask the Court to compel Defendant Brad Livingston to appear for deposition. The Court previously granted Livingston's motion to quash a deposition notice without prejudice to allow Plaintiffs to develop a factual record and later seek Livingston's deposition again. As outlined in Plaintiffs' brief in support, the Court should allow the deposition of Livingston to go forward.

DATED: December 4, 2013.

Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Northern District of Texas.